

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA )  
                                )  
                                )  
v.                            )                                 Case No. 1:09-CR-30  
                                )  
                                )                                 Mattice / Lee  
CHAD KENNEY               )  
                                )

**ORDER**

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:

(1) grant Defendant's motion to withdraw his not guilty plea to Counts One, Two and Three of the three-count indictment (2) accept Defendant's plea of guilty to Counts One, Two and Three of the Indictment; (3) adjudicate Defendant guilty of the charges set forth in Counts One, Two and Three of the Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter [Doc. 21]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 21] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1)     Defendant's motion to withdraw his not guilty plea to Counts One, Two and Three of the Indictment is **GRANTED**;

- (2) Defendant's plea of guilty to Counts One, Two and Three of the Indictment is  
**ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Counts One, Two and Three of the Indictment;
- (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing;  
and
- (4) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **Monday November 9, 2009 at 9:00 a.m.** before the Honorable Harry S. Mattice, Jr.

**SO ORDERED.**

**ENTER:**

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*/s/Harry S. Mattice, Jr.*  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE